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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,031	08/20/2001	Mary A. Ericksen	56091US002	7794
32692	7590	04/01/2005		
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427				
			EXAMINER NORDMEYER, PATRICIA L	
			ART UNIT 1772	PAPER NUMBER
DATE MAILED: 04/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/934,031

Applicant(s)

ERICKSEN, MARY A.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,15-28,30-33 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,23-28,30-33,36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 15-22 and 38-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawn Rejection

1. The 35 U.S.C. 112 2nd paragraph rejection of claims 1, 31 and 37 in the paper dated November 1, 2004 are withdrawn due to the Applicant's amendment of claims in the paper dated February 1, 2005

Repeated Rejections

2. The 35 U.S.C. 102(b) rejection of claims 1, 4, 5, 23 – 25, 20 and 36 as anticipated by May is repeated for the reasons previously of record in the paper dated November 1, 2004.

3. The 35 U.S.C. 103 rejection of claims 6 – 8, 26 – 28, 31 – 33 and 37 over May is repeated for the reasons previously of record in the paper dated November 1, 2004.

Response to Arguments

4. Applicant's arguments filed February 1, 2005 with regard to the 102(b) rejections of claims 1, 4, 5, 23 – 25, 20 and 36 as anticipated by May have been fully considered but they are not persuasive.

In response to Applicant's arguments that the layer of reflective microspheres taught by May is not partially embedded in the non-adhesive side of the body since the equivalent of the claimed retroreflective beads is the combination of the beads and the back reflector, May clearly

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states the beads are an embedded into the surface of a thin retroreflective sheet, the non-adhesive side of the body, slightly more than half of their diameter and also carry a coating of reflective material, such as aluminum, on their surfaces (Column 3, lines 44 – 49), thereby meeting the claim limitations of retroreflective beads partially embedded in the non-adhesive side of the tape. The fact that the tape of May contains more layers than the claimed invention is acceptable since the claim language contains the word “comprising”, which allows for other layers to be present.

5. Applicant's arguments filed February 1, 2005 with regard to the 103 rejection of claims 6 – 8, 26 – 28, 31 – 33 and 37 over May have been fully considered but they are not persuasive.

In response to Applicant's arguments that the layer of reflective microspheres taught by May is not partially embedded in the non-adhesive side of the body since the equivalent of the claimed retroreflective beads is the combination of the beads and the back reflector, May clearly states the beads are an embedded into the surface of a thin retroreflective sheet, the non-adhesive side of the body, slightly more than half of their diameter and also carry a coating of reflective material, such as aluminum, on their surfaces (Column 3, lines 44 – 49), thereby meeting the claim limitations of retroreflective beads partially embedded in the non-adhesive side of the tape. The fact that the tape of May contains more layers than the claimed invention is acceptable since the claim language contains the word “comprising”, which allows for other layers to be present.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772

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[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

3/29/05